

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SIMON AND SIMON, PC, et al.

Plaintiffs,

v.

ALIGN TECHNOLOGY, INC.,

Defendant.

Case No. 20-cv-03754-VC

Case No. 21-cv-03269-VC

**ORDER REGARDING JOINT  
PROPOSAL FOR NEW SCHEDULE**

MISTY SNOW, et al.,

Plaintiffs,

v.

ALIGN TECHNOLOGY, INC.,

Defendant.


The Joint Proposal raises a few concerns. First, the wording of the waiver of One-Way Intervention objections or arguments is somewhat ambiguous. Align says that the waiver applies if the Court decides summary judgment before a ruling on class certification or before the class is fully notified. But that leaves open a circumstance in which the Court rules on summary judgement after class has been fully notified but the opt-out period is ongoing. Second, the parties have proposed dates for the Court to rule on certain motions. While the Court will make every effort to meet these dates, it cannot guarantee that it will. The parties may propose deadlines with reference to the ruling date (e.g., “seven days after the ruling on class certification”). Third, to the extent that the parties are contemplating cross motions for summary

judgment, the briefing schedule does not comply with the Court's standing order.

The parties are directed to file a new joint proposal that addresses these concerns and a new proposed order by October 5, 2023.

**IT IS SO ORDERED.**

Dated: October 3, 2023



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VINCE CHHABRIA  
United States District Judge